



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

DOD: 11-23-06 Cont. from 011713, 032113, 042513, 050913, 062013, 071813, 101713 <input type="checkbox"/> Aff.Sub.Wit. <input checked="" type="checkbox"/> Verified <input type="checkbox"/> Inventory <input type="checkbox"/> PTC <input type="checkbox"/> Not.Cred. <input checked="" type="checkbox"/> Notice of Hrg <input checked="" type="checkbox"/> Aff.Mail w <input type="checkbox"/> Aff.Pub. <input type="checkbox"/> Sp.Ntc. <input type="checkbox"/> Pers.Serv. <input type="checkbox"/> Conf. Screen <input type="checkbox"/> Letters <input type="checkbox"/> Duties/Supp <input checked="" type="checkbox"/> Response <input type="checkbox"/> Video Receipt <input type="checkbox"/> CI Report <input type="checkbox"/> 9202 <input checked="" type="checkbox"/> Order <input type="checkbox"/> Aff. Posting <input type="checkbox"/> Status Rpt <input type="checkbox"/> UCCJEA <input type="checkbox"/> Citation <input type="checkbox"/> FTB Notice	<p>TRO restraining Trustee's Sale and further Proceedings Regarding Premises at 4086 W. San Jose, Fresno, CA extended to 12-2-13.</p> <p>Petitioner states one of the assets of the estate is real property located at 4086 W. San Jose in Fresno, originally appraised at \$275,000.00 at Decedent's date of death. Due to the decline in the real estate market, and based on Internet valuation website, Petitioner believes the house is valued at this time at approx. \$133,000.00.</p> <p>Decedent's spouse Maria Raquel Petrogonas ("Raquel") has continued to reside in the residence and on 8-24-10 was granted a probate homestead.</p> <p>At the date of death, the house was encumbered in the initial amount of \$91,751.00, with the mortgage payable at a rate of \$848.26/month. During the initial period of estate administration, the Administrator made payments from estate funds, and later, Raquel made payments to the Administrator for the mortgage. Raquel's sole source of income is Social Security Disability payments of only \$850/month.</p> <p>The property subsequently went into default. Anticipating funds from the sale of properties in Argentina and/or Greece, Petitioner advanced \$7,650 to cure the default on the loan. When the estate was unable to pay property taxes and/or insurance, the bank subsequently raised the monthly payment to more than \$1,600.00. Petitioner tried on numerous occasions to negotiate a loan modification with Bank of America, who steadfastly refused to consider it.</p> <p>The current arrearages are \$19,327.00 and the present balance due is \$47,565.64 (Exhibit C). A Trustee's (foreclosure) sale was set for 11-29-12.</p> <p>Petitioner states the estate has incurred substantial administrative expenses with respect to the administration of this property and brings this petition pursuant to Probate Code §10361.5 to determine the amount of expenses of administration reasonably associated with the administration of the encumbered property, and to determine the expenses of the sale payable from the sales proceeds.</p> <p>In the event the property is sold, whether at Trustee's sale or otherwise, the estate lacks assets to pay administration expenses and seeks an order determining same.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 1-17-13: The Court directs Mr. Knudson to submit a declaration specifically outlining what is happening in the other jurisdictions that would preclude further inventory and appraisals. Matter continued to 3/21/13. Mr. Knudson is directed to provide Mr. Lucich notice of the next hearing. The temporary restraining order restraining the trustee's sale is extended to 3/21/13. Continued to 3/21/13.</p> <p>Minute Order 3-21-13: Ms. Hubbell is appearing specially for Thomas Agawa. Joint request for continuance. Matter continued to 4-25-13. TRO remains in full force and effect and is extended to 4-25-13.</p> <p>Minute Order 6-20-13: Mr. Knudson is also appearing specially for Edward Treder. Mr. Knudson advises the Court that they are still working on settling this matter. Mr. Knudson requests a continuance. Matter continued to 7/18/13. The TRO is extended to 7/18/13. Continued to 7-18-13</p> <p>Note: Points and Authorities in Support of Petition were filed 3-19-13 by Attorney Knudson. See file.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 11-18-13</p> <p>Updates:</p> <p>Recommendation: File 2A - Petrogonas</p>
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Petitioner states the expenses of administration reasonably related to the administration of the encumbered property are \$46,167.18, computed at Exhibit E, which includes:

- Estimated statutory fees allocable to the property, based on the estimated current value;
- Extraordinary fees payable to Petitioner and his attorney for the sale of the property at a minimal rate pursuant to Local Rule 7.18;
- Filing fees;
- Additional attorney's fees incurred in bringing this petition, together with costs advanced; and
- Expenses paid for the care preservation and maintenance of said property during the course of administration, including mortgage payments, homeowner's insurance and property taxes.

No additional expenses of sale are requested at this time. If the property is ultimately sold pursuant to the power of sale under the deed of trust, said expenses will be borne by the Bank. However, if Petitioner is successful in negotiating a short sale or otherwise reaching accommodation with the lender, this petition will be amended accordingly.

Petitioner will incur additional charges in serving notice of hearing on this petition and may incur additional attorney's fees for appearing at the hearing(s) on this petition. Said additional fees will be presented in a supplement to this petition prior to the hearing date.

Petitioner requests the Court order that following the hearing and approval of this petition, any proceeds of sale be paid to the clerk of the court to be disbursed as provided in Probate Code §10362 as follows:

- First in payment of costs of administration attributable to this property;
- Second towards payment of the lien held by Bank of America, and thereafter
- To lenders with secured interests in the property, including Paul A. Dictos (\$7,650.00) and Atkinson, Andelson, Loya, Ruud and Romo (\$106,767.00)

Petitioner requests:

1. That the Court determine the amount of expenses of administration reasonably related to the administration of the encumbered property;
2. That the Court determine the expenses of sale of said property, if any there be;
3. That the Court order the proceeds from the sale to be paid to the Clerk of the Court to be disbursed as provided in Probate Code §10362
4. For an order that upon such payment the lien on the property be discharged; and
5. For such further orders that the Court may deem proper.

Bank of America, N.A., Respondent/Secured Party filed:

- **Memorandum of Points & Authorities in Response to Petition to Determine Administrative Expenses Pursuant to Cal. Prob. Code §§ 10361.5, 10362**
Respondent requests the Court deny any order compelling Respondent to accept less than the entire amount due under its security interest and/or deny any order requiring a Reconveyance of its lien, and further deny Petitioner any fees and costs claimed to be related to the sale and administration of the property, particularly any fees and costs derived from proceeds from the sale of Respondent's secured property. See pleading for details.
- **Request for Judicial Notice in Support of its Response to Petition to Determine Administrative Expenses Pursuant to Cal. Evid. Code §§ 452(c), (g), 453 & Appendix of Exhibits**
12 exhibits provided. See pleading for details.

Report of Sale and Petition for Order Confirming Sale of Real Property

	PAUL A. DICTOS , Administrator with Limited IAEA with bond of \$100,000.00, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need proposed vesting of buyer. 2. Need proposed commissions amount(s). 3. Timothy L. Thompson filed a Request for Special Notice on 5-30-07. It does not appear that Mr. Thompson was served with Notice of Hearing. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1252 or waiver of notice from Mr. Thompson. 4. The Court may require increased bond or proceeds blocked. 5. Need order.
	Sale price: \$165,000.00 Overbid: \$173,750.00	
Aff.Sub.Wit.		
Verified	Reappraisal: \$165,000.00	
Inventory		
PTC	Property: 4086 W. San Jose, Fresno, CA 93722	
Not.Cred.		
Notice of Hrg	Publication: Fresno Business Journal	
Aff.Mail	Buyer: Nelam Nagra (vesting not provided)	
Aff.Pub.		
Sp.Ntc.		Reviewed by: skc Reviewed on: 11-18-13 Updates: Recommendation: File 2B – Petrogonas
Pers.Serv.	Broker: 50% each to Briggs Realty and Rod Aluisi Real Estate. (Amount/percentage not provided)	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		